

## REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 25, 2008. At the time of the Office Action, Claims 1-29 and 34-38 were pending in this Application. Claims 2, 15, and 21 were previously withdrawn. Claims 1, 3-6, 8, 10-14, 20, 22-29 and 34-38 were rejected. Claims 1, 4, 23 and 36 have been amended to further define various features of Applicant's invention. Claims 2, 15, and 21 have been cancelled without prejudice or disclaimer. Claims 7, 9, 16-19 and 30-33 were previously cancelled without prejudice or disclaimer. Applicant respectfully requests reconsideration and favorable action in this case.

### Rejections under 35 U.S.C. §103

Claims 1, 3-6, 8, 10-14, 20, 22 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,946,467 issued to Ohi et al. ("Ohi") in view of U.S. Patent No. 6,045,571 issued to Hill et al. ("Hill") and further in view of U.S. Patent No. 4,345,339 issued to Muller et al ("Muller").

Claims 23-29, 34 and 36-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohi in view of Hill and Muller, and further in view of U.S. Patent No. 4,731,084 issued to Dunn et al. ("Dunn"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

When determining whether a claim is obvious, the Examiner must make "a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art." *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Further, it is well settled that obviousness requires at least a suggestion of all the features in a claim. *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (*citing In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, "*there must be some articulated reasoning* with some rational underpinning to support the legal conclusion of

obviousness." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

With respect to claim 1, none of Ohi, Hill, or Muller teach a suture strand having a cover comprising a plurality of cover fibers, wherein the plurality of cover fibers are arranged to form a loosely woven annular braid to thereby increase the coefficient of friction of the suture strand, as is now described by amended claim 1. Additionally, the use of a core, comprising a sub core and an outer ring, along with a cover arranged in a loosely woven annular braid to thereby increase the coefficient of friction of the resulting suture strand, is not a predictable use of the elements taught by Ohi, Hill, and Muller according to their established disclosed functions. Rather, the combination of the core and cover configuration described by the present disclosure, resulting in a high strength suture with an increased coefficient of friction for improved knot tying characteristics, is not predicted nor at least suggested by the asserted combination of Ohi, Hill, and Muller. Therefore, none of Ohi, Hill, nor Muller, alone or in combination, render obvious claim 1 as amended. Applicant respectfully submits that claim 1 is in condition for allowance, and requests withdrawal of the rejection and favorable action thereon.

Claims 3-6, 8, 10-14, 20, 22, and 35 depend either directly or indirectly from amended claim 1. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Applicant repeats and hereby incorporates the above remarks with regard to amended claim 1, and submits that claims 3-6, 8, 10-14, 20, 22, and 35 are in condition for allowance. Applicant requests withdrawal of the rejection and favorable action thereon.

With regard to claim 23, Applicant repeats and hereby incorporates the above remarks with regard to amended claim 1. Specifically, claim 23 has been amended to now describe a cover comprising a plurality of cover fibers, wherein the plurality of cover fibers are arranged to form a loosely woven annular braid to thereby increase the coefficient of friction of the suture strand. The combination of the core and cover configuration described by the present disclosure, resulting in a high strength suture with an increased coefficient of friction for improved knot tying characteristics, is not predicted nor at least suggested by the asserted combination of Ohi, Hill, Muller, and Dunn. Therefore, none of Ohi, Hill, Muller, nor Dunn, alone or in combination, render obvious claim 23 as amended. Applicant respectfully submits that claim 23

is in condition for allowance, and requests withdrawal of the rejection and favorable action thereon.

Claims 24-29, 34, and 36-38 depend either directly or indirectly from amended claim 23. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Applicant repeats and hereby incorporates the above remarks with regard to amended claim 23, and submits that claims 24-29, 34, and 36-38 are in condition for allowance. Applicant requests withdrawal of the rejection and favorable action thereon.

### CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

The Commissioner is hereby authorized to charge \$1050 for the Three-Month Extension of Time Deposit Account No. 50-0359 of ArthroCare Corporation.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.358.5925.

Respectfully submitted  
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Date: 7/24/08

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